

ESTTA Tracking number: **ESTTA431688**

Filing date: **09/21/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|---------------------------|---|
| Proceeding | 91201166 |
| Party | Defendant Shim, Paul |
| Correspondence Address | KIM, HYONG C. 3530 WILSHIRE BLVD STE 1280 LOS ANGELES, CA 90010-2321 wilshirelaw@gmail.com |
| Submission | Answer |
| Filer's Name | Yong Bom Lee, Attorney |
| Filer's e-mail | wilshirefirm@yahoo.com |
| Signature | /brian lee/ |
| Date | 09/21/2011 |
| Attachments | 09212011 Answer to Opposition.pdf (4 pages)(512124 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Application Serial No.: 85/249961

MARK: PowerZEN

Applied on: Feb. 26, 2011

Published on: July 26, 2011

Opposition Filed on: August 15, 2011

CHANG OH KIM,

) **Opposition No.: 91201166**

Petitioner,

)

vs.

) **ANSWER OF THE APPLICANT TO THE**

PAUL SHIM,

) **PETITION FOR OPPOSITION**

Applicant

)

)

)

Paul Shim (hereinafter referred to as “**Applicant**”), by and through its undersigned attorney, hereby answers the Petition for Opposition filed by Chang Oh Kim, (hereinafter referred to as “**Petitioner**”), and admits, denies and alleges, in accordance with the numbered paragraphs of the Petition for Opposition, as follows:

ANSWER TO PETITION FOR OPPOSITION

1. Applicant is without knowledge or information sufficient to either admit or deny the allegations in the first sentence of the paragraph 1 of the Petition and, Applicant denies the second sentence of the paragraph 1, and therefore, denies each and every allegation therein.

2. Applicant denies each and every allegation in paragraph 2.

3. Applicant denies each and every allegation in paragraph 3.

4. Applicant denies each and every allegation in paragraph 4.

5. Applicant denies each and every allegation in paragraph 5.
6. Applicant denies each and every allegation in paragraph 6.
7. Applicant denies each and every allegation in paragraph 7.
8. Applicant denies each and every allegation in paragraph 8.
9. Applicant denies each and every allegation in paragraph 9.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

1. As a first and separate affirmative defense, Applicant is informed and believes, and on this basis asserts that Petitioner has stated no claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

2. As a second and separate affirmative defense, Applicant is informed and believes, and on this basis asserts that Petitioner does not have a standing to bring this Opposition

THIRD AFFIRMATIVE DEFENSE

3. As a third and separate affirmative defense, Applicant is informed and believes, and on this basis asserts that Petitioner's claims are barred by the doctrine of laches.

FOURTH AFFIRMATIVE DEFENSE

4. As a fourth and separate affirmative defense, Applicant is informed and believes, and on this basis asserts that Petitioner's claims are barred by the doctrine of estoppel.

FIFTH AFFIRMATIVE DEFENSE

5. As a fifth and separate affirmative defense, Applicant is informed and believes, and on this basis asserts that Petitioner's claims are barred by reason of its own unclean hand.

SIXTH AFFIRMATIVE DEFENSE

6. As a sixth and separate affirmative defense, Applicant is informed and believes, and on this basis asserts that Petitioner's claims are barred by reason of its own fraud and misrepresentation, intentional and negligence.

SEVENTH AFFIRMATIVE DEFENSE

7. As a seventh and separate affirmative defense, Applicant is informed and believes, and on this basis asserts that Petitioner's alleged Pleaded Mark of Trio PowerZen is not owned by the Petitioner.

EIGHTH AFFIRMATIVE DEFENSE

8. As a eighth and separate affirmative defense, Applicant is informed and believes, and on this basis asserts that Applicant's use of the Mark predates the anyone's use of the Pleaded Mark.

COUNTERCLAIMS

No counterclaims are being filed.

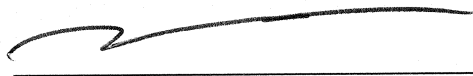
WHEREFOR, APPLICANT prays for relief as follows:

1. That Petitioner's Petition be denied; and
2. For such other relief as the Board deems just and proper.

Respectfully submitted,

LAW OFFICE OF LEE & ASSOCIATES

Dated: September 15, 2011



Yong Bom (Brian) Lee, Wilson B. Quan, Hyong C. Kim

Attorneys for Applicant

Telephone Number: (213) 368-7717

1 STATE OF CALIFORNIA
2 COUNTY OF LOS ANGELES

3 I am a resident of the country aforesaid; am over the age of eighteen years and not a
4 party to the within action. My business address is 3530 Wilshire Blvd., Suite 1280 Los
Angeles, CA 90010.

5 On September 21, 2011, I served the within documents:

6 **Answer to the Petition for Opposition**
7

8 On the interested parties in the above action, by faxing and mailing a true copy thereof as follows:


9 **Chang Oh Kim**
10 **621 S. Gramercy Pl., #507, Los Angeles, CA 90005**

11 **Je M. Cha, Esq. of Law Offices of J. M. Cha & Associates**
12 **3200 Wilshire Blvd., South Tower, Suite 1207, Los Angeles, CA 90010**

13 Executed on September 21, 2011, at Los Angeles, California
14

15 ☐ STATE I declare under penalty of perjury under the laws of the State of California that the foregoing
16 is true and correct.

17 ☒ FEDERAL I declare that I am employed in the office of a member of the bar of Federal Court at
18 whose direction the service was made.

19 
20 _____
Su Lee